

PTO/SB/21 (08-03)

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TRANSMITTAL  
FORM

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TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	09/659,629	
	Filing Date	MAY 17, 2001	
	First Named Inventor	MICHAEL WENGROVITZ	
	Art Unit	3821	
	Examiner Name	DAVID Q. LE	
Total Number of Pages in This Submission	6	Attorney Docket Number	41888/JEC/X2/134059

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>RULE 131 DECLARATION</b>  <input type="checkbox"/> Remarks
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	ANDREW S. NAGLESTAD REG. No. 47,814
Signature	
Date	June 21, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	MARILYN BENET	
Signature		Date
	June 21, 2004	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED  
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Application no. : 09/859,629  
Applicant(s) : Michael Wengrovitz  
Title : Secure Internet-Based Call Accounting Service  
Filed : 05/17/2001  
Art Unit : 3621  
Examiner : Le, David Q.

JUN 21 2004

Current Docket no. : 41888/JEC/X2  
Revised Docket no. : 134059

Customer no. : 35114  
Confirmation No. : 3310

OFFICIAL

## RESPONSE TO OFFICE ACTION

Date: June 21, 2004

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please revise the USPTO record to indicate the Revised Docket Number, namely 134059.

In response to one or more issues raised in the office action dated April 19, 2004, the Intellectual Property Counsel for the assignee of the present application, Alcatel Internetworking Inc. has executed an affidavit filed under 37 C.F.R. §1.131 demonstrating diligent reduction to practice prior to the effective date of U.S. Patent Publication 2002/090072 to Rumsey filed January 9, 2001 until the filing of the regular patent application. Applicant respectfully submits that the Rumsey reference does not qualify as prior art for pending claims 1-25 and requests that a Notice of Allowance be issued in this case.

Application no. 09/859,629  
Response dated June 21, 2004  
Reply to Office Action of April 19, 2004

Should there be any fees for this action, the Commissioner is authorized to draw from the firm deposit account number 02-3979.

Respectfully submitted,

Michael Blaine Brooks, PC

By: Andrew S. Naglestad

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Enclosure

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